

NOTICES OF SUPPLEMENTAL PROPOSED RULEMAKING

After an agency has filed a Notice of Proposed Rulemaking with the Secretary of State's Office for *Register* publication and filing and the agency decides that prepare a Notice of Supplemental Proposed Rulemaking for submission to the Office. The Secretary of State shall publish the Notice under the Administrative Procedure Act (A.R.S. § 411001 et seq.) publication of the Notice of Supplemental Proposed Rulemaking in the *Register* before holding any oral proceedings (A.R.S. § 411022).

NOTICE OF SUPPLEMENTAL PROPOSED RULEMAKING

TITLE 4. COMMERCE, PROFESSIONS AND OCCUPATIONS

CHAPTER 7. BOARD OF CHIROPRACTIC EXAMINERS

PREAMBLE

1. Register citation and date for the original Notice of Proposed Rulemaking:
3 A.A.R.793, March 14, 1997

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|-----------------------------|--------------------------|
| 2. <u>Sections Affected</u> | <u>Rulemaking Action</u> |
| R4-7-502 | Amend |
| R4-7-503 | Amend |
| R4-7-504 | Amend |

3. The specific authority for the rulemaking, including both the authorizing statute (general) and the statute the rules are implementing (specific):
Authorizing statute: A.R.S. § 32-904(B)(2)
Implementing statute: A.R.S. § 41-1072

4. The name and address of agency personnel with whom persons may communicate regarding the rulemaking:
Name: Patrice A. Pritzl, Executive Director

Address: Board of Chiropractic Examiners
5060 North 19th Avenue, Suite 416
Phoenix, Arizona 85015

Telephone: (602) 255-1444
Fax: (602) 255-4289

5. An explanation of the rule, including the agency's reasons for initiating the rule:
R4-7-502, R4-7-503, and R4-7-504 will define the number of days after receipt of an application for a license in which the agency will determine whether to grant or deny a license.

6. An explanation of the substantial change which resulted in this supplemental notice:
The information and documentation required for license and renewal application packages has been amended to include reporting of fax numbers, multiple office addresses when applicable, provision of the name and professional designation of the owner of the clinic or office at which the applicant or licensee is or will be employed, and provision of the applicant's or licensee's social security number.

7. A showing of good cause why the rule is necessary to promote a statewide interest if the rule will diminish a previous grant of authority of a political subdivision of this state:
Not applicable.

8. The preliminary summary of the economic, small business, and consumer impact:
The economic, small business, and consumer impact statement for the State of Arizona, State Board of Chiropractic Examiners, analyzes the costs, savings, and benefits that accrue to the Board of Chiropractic Examiners, Secretary of State, Board-licensed individuals, and the consumer public.

R4-7-502, R4-7-503, and R4-7-504. The impact of the proposed rules on established Board procedures, compliance, and inspection costs is minimal. The Board has been in the practice of applying procedures and time-frames for the processing of license applications. The estimated additional cost to the Secretary of State's Office is minimal and stems from the Secretary of State's staff time publishing rules. There are no anticipated costs to applicants, licensees or the consumer public.

9. The name and address of agency personnel with whom persons may communicate regarding the accuracy of the economic, small business, and consumer impact:
Name: Patrice A. Pritzl, Executive Director

Notices of Supplemental Proposed Rulemaking

Address: Board of Chiropractic Examiners
5060 North 19th Avenue, Suite 416
Phoenix, Arizona 85015

Telephone: (602) 255-1444

Fax: (602) 255-4289

10. The time, place, and nature of the proceedings for the adoption, amendment or repeal of the rule or, if no proceeding is scheduled, where, when, and how persons may request an oral proceeding on the proposed rule:
A proceeding is not scheduled. An oral proceeding on the proposed rules may be requested by writing to the Board of Chiropractic Examiners, 5060 North 19th Avenue, Suite 416, Phoenix, Arizona 85015.
11. Any other matters prescribed by statute that are applicable to the specific agency or to any specific rule or class of rules:
Not applicable.
12. Incorporation by reference and their location in the rules:
None
13. The full text of the rules as follows:

TITLE 4. COMMERCE, PROFESSIONS AND OCCUPATIONS

CHAPTER 7. BOARD OF CHIROPRACTIC EXAMINERS

ARTICLE 5. LICENSES: LICENSING PROCEDURES

- R4-7-502. Procedures for Processing License Applications
- R4-7-503. Renewal License: Issuance
- R4-7-504. License Denial

ARTICLE 5. LICENSES: LICENSING PROCEDURES

R4-7-502. Procedures for Processing Initial License Applications

- A. ~~An applicant may~~ obtain a license application package ~~may be obtained~~ at the Board office on business days, or by requesting that the Board mail 1 to an address specified by the applicant. An applicant shall pay the Board a nonrefundable \$10 fee for each license application package.
- B. A completed license application package shall be submitted to the Board office on business days. The Board shall deem the license application package received on the date that the Board stamps on the package as the package is delivered to the Board office.
- C. To complete a license application package, an applicant shall provide the following information and documentation:
 1. Two identical photographs, measuring 3 inches by 4 inches, showing the applicant's full front face as the applicant will appear at the time of the examination and a description of identifying characteristics, if any.
 2. The applicant's full current name and any former names.
 3. The applicant's current home and ~~or~~ all office addresses, current home and all office phone numbers, all current office fax numbers, and any previous home or office addresses for the past 5 years.
 4. The type of license and certification for which application is made.
 5. ~~Payment of all~~ All fees required by A.R.S. § 32-921(D) and (E) and 32-922.0(E).
 6. A record of education requirements described in A.R.S. § 32-921(B) including the applicant's chiropractic college transcript and the applicant's certificate of attainment of passing scores for parts I, II, III, and IV of the examination conducted by the National Board of Chiropractic Examiners.
 7. Any record of ~~having been being~~ convicted of, pleading guilty to or pled pleading nolo contendere to a misdemeanor ~~involving moral turpitude~~ or a felony, even if

~~later the record of the conviction or plea was were sealed or expunged or the conviction itself was set aside or forgiven, or any record of having entered into a stipulation plea or settlement agreement as a result of a charge involving moral turpitude or a felony, in lieu of such proceeding current and any record of an arrest, investigation, indictment or charge with the last 12 months. The applicant also shall submit any record of being refused a license to practice chiropractic or any other health care profession in this or any other state, and any record of a formal sanction having been taken against the applicant's license in this or any other state.~~

8. A completed fingerprint card.
9. A list of all other states or jurisdictions in which the applicant is or has been licensed or certified to practice chiropractic or any other ~~medical health care~~ profession with a verification of good standing for each current license or certification submitted directly by the licensing agency of the other states or jurisdictions.
10. The name and professional designation of the owner(s) of the clinic or office at which the applicant will be employed.
11. The applicant's social security number.
12. ~~10.~~ The applicant's notarized signature attesting to the truthfulness of the information provided by the applicant.
13. A score of 60% or higher on the Arizona Jurisprudence Examination. The applicant may not sit for the Arizona Jurisprudence Examination until the application package is otherwise complete.
- D. Within ~~20~~ 25 business days of receiving a license application package, the Board shall notify the applicant in writing that the package is either complete or incomplete. If the package is incomplete, the notice shall specify what information is missing. If the Board does not provide notice to the applicant, the license application package shall be deemed complete.
- E. An applicant with an incomplete license application package shall supply the missing information within 60 calendar days from the date of the notice. An applicant who is unable to supply the missing information within 60 calendar days may submit a written request to the Board for an extension of time in which to provide a complete application package. The request for an extension of time shall be submitted to the Board office before the 60-day deadline for submission of a complete appli-

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cation package, and shall define state the reason that the applicant is unable to comply with the 60-requirement and the extension amount of additional time frame requested. The Board shall grant a request for an extension of time if the Board finds that the reason the applicant was unable to comply within the 60-day requirement was due to circumstances beyond the applicant's control and that compliance can reasonably be expected to be remedied during the extension of time.

- F. If an applicant fails to submit a complete license application package within the time permitted, the Board shall close the applicant's file. An applicant whose file as been closed and who later wishes to become licensed, shall apply anew.
- G. ~~After Within 20 business days of receiving all missing information as specified in subsection (E), the Board shall notify the applicant that the license application package is complete.~~
- H. The Board shall render a licensing decision no later than ~~400~~ 120 business days after receiving a completed license application package. The Board shall deem a completed license application package received on the ~~postmark~~ post marked date of the notice advising the applicant that the package is complete.
- I. An applicant seeking initial licensure by reciprocity under A.R.S. § 32-922.01, shall submit an application to the Board and shall comply with all provisions of R4-7-502 except that the applicant is not required to submit proof of obtaining a passing score on Part IV of the examination conducted by the National Board of Chiropractic Examiners.
- J. For the purpose of A.R.S. § 41-1073, the Board establishes the following time-frames for licensing:
 - 1. Administrative completeness review time-frame: ~~20~~ 25 business days;
 - 2. Substantive review time-frame: ~~400~~ 120 business days.
 - 3. Overall time-frame: ~~420~~ 145 business days.

R4-7-503. Renewal License, Issuance, Reinstatement

- A. At least ~~thirty~~ 30 days before a renewal application and renewal fee are due, the executive director of the Board shall send by 1st class mail to a licensee at the licensee's address of record, a renewal application and notice.
- B. ~~A licensee shall return the license renewal application~~ The license renewal application shall be returned to the Board office on a business day. The date of receipt shall be the post marked date or the date the licensee hand delivers the license renewal application ~~and fee.~~
- C. To complete a license renewal application, a licensee shall provide the following information and documentation:
 - 1. The licensee's full name;
 - 2. The licensee's current home and all office addresses, current home and all office phone numbers, and all current office fax numbers;
 - 3. The name and professional designation of the owner or owners of the clinic or office at which the licensee is employed;
 - 4. The licensee's social security number;
 - ~~5.3-~~ A record of any professional disciplinary investigation or sanction taken against the licensee by a licensing board since the licensee last applied for renewal of this license in this or any other state;
 - ~~6.4-~~ A record of any conviction or plea agreement for a misdemeanor ~~involving moral turpitude~~ or a felony since the licensee last applied for renewal of this license;
 - ~~7.5-~~ The renewal fee required by A.R.S. § 32-923;
 - ~~8.6-~~ A list of required continuing education courses ~~which that~~ have been completed; and
 - ~~9.7-~~ The licensee's signature attesting to the truthfulness of the information provided by the licensee.

- D. In accordance with A.R.S. § 32-923(C), the Board shall automatically suspend a license if the licensee does not submit a completed application for renewal ~~and pay the renewal fee on or before December 31 before January 1~~ of each calendar year. The Board shall send written notice of the license suspension to the licensee on or before January ~~15~~ 20.
- E. The Board shall reinstate a suspended license if the licensee pays the annual license renewal fee, pays an additional fee of \$100 as required by A.R.S. § 32-923(D), and submits a completed license renewal application between January 1 and March 31 of the calendar year for which the license renewal is made.
- F. On or after April 1 of the calendar year for which a license renewal application was to be made, an individual who wishes to have a suspended license reinstated shall apply for reinstatement in accordance with A.R.S. § 32-923(D).
- G. An application for reinstatement of license may be obtained at the Board office on business days or by requesting that the Board mail 1 to an address specified by the applicant.
- H. A completed application for reinstatement of license shall be submitted to the Board office on a business day. The Board shall deem an application for reinstatement of license received on the date that the Board stamps on the application as it is delivered to the Board office.
- I. To complete an application for reinstatement of license, an applicant shall provide the following information and documentation:
 - 1. The applicant's full current name, suspended license number, and certification number if a specialty certification was held by the licensee;
 - 2. The applicant's current ~~clinic and home~~ and all office addresses, and current home and all office phone numbers, and all current office fax numbers;
 - 3. The name and professional designation of the owner or owners of the office or clinic at which the applicant will be employed;
 - 4. The applicant's social security number;
 - ~~5.3-~~ A verification of licensure from all states and jurisdictions in which the licensee is, or ever has been, licensed to practice chiropractic. A list of all other states or jurisdictions in which the applicant is or has been licensed or certified to practice chiropractic or any other medical health care profession with verification of good standing for each current license or certification submitted directly by the licensing agency of the other states or jurisdictions;
 - ~~6.4-~~ A list of required continuing education courses completed with certification of course completion;
 - ~~7.5-~~ A record of any professional disciplinary investigation or sanction initiated since ~~the date of the applicant's last application for applied for renewal of this license;~~
 - ~~8.6-~~ A record of any conviction or plea agreement for a misdemeanor ~~involving moral turpitude~~ or a felony since the date the applicant's ~~last application for licensure, last applied to renew this license.~~
 - ~~9.7-~~ The applicant's notarized signature attesting to the truthfulness of the information provided by the applicant.
- J. The Board shall process a license reinstatement application in accordance with R4-7-502(D) through (G). The Board shall deem the application received on the date that the Board stamps on the application as the application is delivered to the Board office.
- K. The Board shall reinstate or renew a license ~~when if:~~
 - 1. The applicant or licensee has complied with the requirements of these rules and Article 8, A.R.S. § 32-900 et seq. (The Chiropractic Practice Act).

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2. The applicant or licensee has not had any professional disciplinary sanction taken against the applicant's or licensee's license by a licensing board since the last application for license renewal licensure.
 3. The applicant or licensee has not been convicted of, pled guilty to, or pled nolo contendere to a misdemeanor involving moral turpitude or a felony since the last application for license renewal licensure.
- L.** If the provisions of subsection (K) are satisfied for a renewal application, the Board shall issue a license renewal certificate on or before February 1, of each year. The license renewal certificate shall serve as notice that the renewal application is complete and approved. If the provisions of subsection (K) are satisfied for a reinstatement application, the Board shall render a decision to reinstate the applicant's license no later than 70 business days after the applicant has been noticed that the reinstatement application satisfies the provisions of subsection (K). The applicant shall be deemed noticed on the postmarked date of the notice advising the applicant that the reinstatement application is satisfactory.
- M.** If there is reason to believe that the provisions of subsection (K) have not been satisfied or that possible grounds for denying the renewal or reinstatement application exist, the Board shall notify the applicant of this possibility within 25 business days of the date that the application is received at the Board office.
- N.** An applicant who is so notified that renewal or reinstatement may be denied may provide a written response and shall submit any documentation as required by the Board within 60 calendar days from the date of notice. An applicant who is unable to supply the required documentation within 60 calendar days may submit a written request to the Board for an extension of time in which to provide the required documentation. The request for an extension of time shall be submitted to the Board office before the 60-day deadline for submission of the required documentation, and shall state the reason that the applicant is unable to comply with the 60-day requirement and the amount of additional time requested. The Board shall grant a request for an extension of time if the Board finds that the reason the applicant was unable to comply with the 60-day requirement was due to circumstances beyond the applicant's control and that compliance can reasonably be expected to be remedied during the extension of time.
- O.** If an applicant fails to submit required documentation within the time permitted, the Board shall issue an intent to deny the renewal or reinstatement application.
- P.** The Board shall render a licensing decision no later than 100 70 business days after receiving all required documentation as specified in subsection (N). The Board shall deem required documentation received on the date that the Board stamps on the documentation as the documentation is delivered to the Board's office.
- Q.** For the purpose of A.R.S. § 32-41-1073, the Board establishes the following time-frames for reinstatement:
1. Administrative completeness review time-frame: 25 business days;
 2. Substantive review time-frame: 70 business days;
 3. Overall time-frame: 95 business days.
- R4-7-504. License; Denial**
If the Board denies a license, the Board shall send the applicant written notice explaining:
1. The reason for denial, with citations to supporting statutes or rules;
 2. The applicant's right to seek a fair hearing to challenge the denial; and
 3. The time periods for appealing the denial.